

PD-0324-17

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**IN THE COURT OF CRIMINAL APPEALS  
FOR THE STATE OF TEXAS**

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FILED  
COURT OF CRIMINAL APPEALS  
9/6/2017  
DEANA WILLIAMSON, CLERK

**STATE OF TEXAS,**

**APPELLANT,**

**v.**

**ROGER ANTHONY MARTINEZ,**

**APPELLEE.**

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***FIRST MOTION FOR EXTENSION OF TIME  
TO FILE APPELLEE'S BRIEF***

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

COMES NOW, APPELLEE, ROGER ANTHONY MARTINEZ, by and through his court appointed counsel, and files this motion to request that the time for filing Appellee's Brief in this cause be extended by 15 days to September 21, 2017, and as reasonable explanation for the extension, would show the following:

I.

Following the granting of the PDR in this matter, the State's Brief in this cause was filed on, or about, August 7, 2017. Appellee's response is

due on, or about, September 6, 2017.

## II.

The facts recited in this motion are apparent in the record, known to the Court, or are within the undersigned's personal knowledge and are true and correct.

This extension is not sought for purposes of delay. The undersigned, is Appellant's court appointed attorney for direct appeal and to this Honorable Court of Criminal Appeals following the granting of a second State's PDR in this matter. Appellee's counsel requests that Appellee be granted an additional 15 days to file a responsive brief to the State's brief.

Appellee's counsel is located within the impacted areas of Hurricane Harvey. Due to loss of power and other hurricane related issues, the briefing was delayed and not completed by September 6, 2017. Due to these unanticipated issues, Appellee's counsel respectfully requests that the Court of Criminal Appeals allow the additional 15 days to complete the briefing in this matter and allow Appellee to respond to the State's briefing.

## III.

There has been no previous request for extension.

## IV.

The undersigned does not know whether the State is opposed to this

request. The undersigned will confer with the State and update the Clerk of this Court.

WHEREFORE, Appellee requests that this Honorable Court of Criminal Appeals extend the time for filing Appellee's Brief, and for such other, and further, relief to which the undersigned is justly entitled.

Respectfully submitted,

LUIS A. MARTINEZ, P.C.  
209 W. Juan Linn  
P.O. Box 410  
Victoria, Texas 77902-0410  
(361) 676-2750 (Telephone)  
(361) 575-8454 (Telefax)

Email:  
[Lamvictoriacounty@gmail.com](mailto:Lamvictoriacounty@gmail.com)

A handwritten signature in blue ink, appearing to read 'Luis A. Martinez', is positioned above a horizontal line.

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Luis A. Martinez  
State Bar No. 24010213

**CERTIFICATE OF SERVICE**

This is to certify that a true, correct and complete copy of the foregoing instrument has been served the attorney(s) in this cause on the 6th day of September, 2017.



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Luis A. Martinez

***Via Email: [bguy@vctx.org](mailto:bguy@vctx.org)***  
The Hon. Brendan W. Guy  
Vic. Co. Asst. Dist. Attorney  
Victoria County District Attorney's Office  
205 N. Bridge, Suite 301  
Victoria, Texas 77901

***Via Email: [information@spa.texas.gov](mailto:information@spa.texas.gov)***  
State Prosecuting Attorney  
The Hon. Stacey Soule  
P.O. Box 13046  
Austin, Texas 78711